IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1257 of 2007
With
CIVIL APPLICATION No. 3518 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.S.SHAH
HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
GAMETI SURESHBHAI SOMABHAI & 2 - Defendant(s)

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Appearance :
MR HARDIK C RAWAL for Appellant(s) : 1,
None for Defendant(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.S.SHAH

and

HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 05/03/2007

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE M.S.SHAH)

In this appeal, the appellant-Gujarat State Road Transport Corporation challenges a judgement and award dated 18th March, 2006 passed by Motor Accident Claims Tribunal(Main), Sabarkantha, Himmatnagar in MACP No.1472/1996, awarding compensation of Rs. 1,34,200/- with proportionate costs and interest at the rate of 6% per annum to the sons of 45 year old lady who died on account of injuries sustained in the motor vehicle accident involving the bus belonging to the appellant corporation.

1. On 23rd November, 1996 at about 10.15 a.m., the deceased was standing outside the S.T. Bus Depo. The driver of the bus, while coming out of the S.T. Bus Depo knocked down the deceased and she was taken to the Bhiloda Government Hospital by S.T. Corporation Staff members. The accident took place on 23rd November, 1996 and thereafter, the deceased succumbed to the injuries on 2nd December, 1996. Sons filed the claim petition for compensation of Rs. 2 lakhs.

2. The defence of the appellant corporation was that the deceased on her own dashed with the bus and that there was no negligence on the part of the bus driver. The Tribunal negatived their defence and held that since large number of people were around, the bus driver was required

to take extra care while driving the bus out of the S.T. Depo. The defence plea that the deceased was lunatic was emphatically turned down by the Tribunal. We also have no hesitation in confirming the findings of the Tribunal.

3. The contention that the accident took place on 23rd November, 1996 and deceased died on 2nd December, 1996 and therefore, there was no connection between the accident and death cannot be accepted. The deceased had sustained very serious injuries and the medical evidence goes to show that gangrene had set in. Since the deceased was initially treated by Government Hospital at Bhiloda and the certificate was issued by the said hospital corroborating injuries sustained by the deceased in the motor vehicle accident involving heavy vehicle like bus, we find that there was sufficient cause of connection between the cause of death and the accident.

4. To the question of quantum of compensation, the Tribunal assessed notional income of the deceased at Rs. 1,000/- per month and on that basis dependency benefits t Rs. 700/- per month i.e. Rs.8400/- per annum. As the age of the deceased was assessed between 45 and 50 years, the Tribunal adopted multiplier of 13 and computed compensation for loss of dependency benefits at Rs. 1,09,200/-. Adding thereto the

conventional amount, the Tribunal awarded total compensation of Rs. 1,34,200/-.

5. In facts and circumstance of the case, we find that assessment of income and computation of compensation are not at all on the higher side, therefore, we do not find any merits in the appeal and same is summarily dismissed.

Civil Application for stay also does not survive and same is disposed of accordingly.

(M.S.Shah,J.)

(Akil Kureshi,J.)

(raghu)